

DECLARATION OF KENNETH L. VIEIRA
37 C.F.R. §1.132

I, KENNETH L. VIEIRA, declare as follows:

1. I am an Associate Research Fellow employed by The Clorox Company, owner by assignment of this pending patent application. I am one of the co-inventors of invention claimed in this application. I received a Bachelor of Science degree in Chemistry from the University of Massachusetts at Dartmouth in 1978 and a Doctorate of Philosophy degree in Analytical Chemistry from Indiana University in 1984. I have worked in cleaning product research and development at Clorox since August 1, 1985, specializing in analytical and trace level analysis, and further including hypochlorite chemistry and reaction mechanisms for the past 4 years. As an analytical chemist, I have characterized raw materials and finished products for organic contaminants using trace level methods since 1988.
2. On information and belief, I am informed that pending Claims 1-26 of patent application serial number 10/828,571 have been rejected in an Office Action dated June 27, 2006.
3. On further information and belief, it is understood that the principal reference cited in said Office Action is Kojima et al (Kojima) US Pat. 5,447,969. The action implies that the claims of the above application are obvious in view of Kojima. The application claims a method of making a stable hypochlorite composition. In my opinion, based on the reference below, the method of Kojima would not produce a stable hypochlorite composition described in the claims of the application.
4. I now call your attention to an article published in the March 1979 issue of Environmental Science & Technology by Larson and Rockwell (Attached). In this article the authors report that several common natural carboxylic acids, including citric acid, are readily attacked by hypochlorite in dilute aqueous phosphate-buffered solutions with loss of carbon dioxide and the incorporation of chlorine into the residual molecule. On page 326 at the top of column 2, and in Table I on page 327, the authors found that 1 molecule of citric acid at pH 7 in phosphate buffer reacts with a 10 fold excess of hypochlorite at room temperature to produce 78% chloroform within 2 hours. This process consumes 4 moles of hypochlorite and would result in an approximate 31% reduction in the concentration of hypochlorite within 2 hours, which shows that the method of Kojima would not produce a stable dilute hypochlorite composition.
5. I, KENNETH L. VIEIRA, declare that the foregoing statements of fact are true and correct of my knowledge; that statements made on information and belief are believed to be true; and that willful false statements and the like so made are punishable by fine or imprisonment or both under §1001 of Title 18, U.S. Code, and may jeopardize the validity of this application or any patent issuing thereon.

Dated: _____

9-22-06


KENNETH L. VIEIRA